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Human rights situations that require the Council's attention

Written statement* submitted by ODHIKAR – Coalition for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[1 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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BANGLADESH: Freedoms of Opinion, Expression and Peaceful Assembly and Association Are Systematically Violated

Rights to freedom of opinion and expression and freedom of peaceful assembly and of association are essential elements of democracy. Regrettably such rights are being systematically violated by the incumbent government. The government imposed various repressive laws and policies targeted at dissenters and is harassing the opposition political parties' activists and people belonging to alternative beliefs. Journalists, human rights defenders (HRDs), civil society actors, bloggers and online activists are accused of different criminal charges, including sedition and defamation for criticising the inactions of the government. Barring accurate and independent news reports from publication due to the government's imposition of restrictive policies and by putting pressure on the media by different ways and means have become a regular practice. In most cases journalists are forced to maintain self censorship while publishing reports. There is no mechanism for the protection of journalists and human rights defenders in the country. Furthermore, the government barred and attacked meetings and assemblies organised by various political parties, progressive organisations, victims' families and students in violation of the freedom and peaceful assembly and association guaranteed in Article 36 and 37 of the Bangladesh Constitution and Article 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR). From the perspective of the Special Rapporteur, the rights to freedom of peaceful assembly and of association have increasingly come under attack as incumbent or incoming governments seek to retain or gain power at all costs.[1] It is feared that Bangladesh is no exception to this practice in the present context.

Freedom of Opinion and Expression:
Surveillance and monitoring on social media by the government is wide and the Information and Communication Technology Act 2006 (amended 2009, 2013) and the Special Powers Act 1974 are imposed to gag voices critical of the decisions and activities of those in high positions of the government. According to Odhikar, a total 104 persons were arrested under the ICT Act 2006 (amended 2009, 2013) from 2014 to 2017.[2]

In 2016, the government drafted several repressive laws that remain as a silent threat. If these laws are passed, they will further violate the human rights of the citizens. The Information Ministry drafted a proposed Bill for a 'National Broadcasting Act'[3], incorporating the provisions of imprisonment and monetary fine. The Government had drafted a Bill for another repressive law, called 'Distortion of the History of Bangladesh Liberation War Crimes Act'[4] and the Press Council finalised the draft of a Bill for a Press Council (amendment) Act, 2016 incorporating provisions for stopping the publication of any newspaper or media for a maximum of three days or five hundred thousand taka fine, if the media and news agencies contravene any decision or Order of the Press Council.[5]

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[1] 'The exercise of the rights to freedom of peaceful assembly and of association in the context of elections (A/68/299)', http://www.ohchr.org/Documents/Issues/FAssociation/A_68_299_en.pdf

[2] The cases of arrests under the Information and Communication Technology (ICT) Act that are documented are those where the presentations/statements in question are considered critical against high officials of the government and their families.

[3] According to the draft, violations of any rules or provisions of this law will result in a sentence of up to three months imprisonment and at least five hundred thousand taka fine or both. If violations of this Act continue the accused person will be fined up to one hundred thousand taka per day. It is also mention in the draft law that if someone broadcasts, violating this law, he will be fined upto 100 million taka. Such fine can be recovered by an administrative order. The Act also states that if anyone is harmed by an administrative order, he/she will not be able to seek legal recourse.

[4] According to the draft, misinterpretation or disrespect to any documents relating to the liberation war disseminated or published during the Liberation War and any publication during that period, will be considered a crime. In the draft law, the period of the liberation war was set from March 1 to December 16, 1971. The second sub-clause of the proposed law says the denial of 'incidents' that occurred between March 1 and March 25, 1971, will be considered as a crime. However, there was no explanation or discussion with regard to what were those incidents.

[5] The daily Jugantor, 03/05/2016; www.jugantor.com/first-page/2016/05/03/29050/

On 29 January 2018, the Cabinet approved the draft of the 'Digital Security Act 2018' after revoking five sections, including the widely misused section 57 of the Information and Communication Technology Act 2006. However, the proposed law, if enacted, will be another repressive law as the revoked sections of the ICT Act have been incorporated into it. Section 57 of the ICT Act deals with defamation, hurting religious sentiments, causing deterioration of law and order and instigating against any person or organisation through publishing or transmitting any material in websites or in electronic form. Now, the draft of Digital Security Act 2018 splits these offences into four separate sections with punishments ranging from three to 10 years of prison term.[6]

The government controls most of the media; particularly the electronic media, which are mostly owned or controlled by supporters or members of the ruling party; and it closed down the pro-opposition electronic and print media, such as Diganta TV, Islamic TV and the publication of the daily Amar Desh, since 2013. Attacks on journalists by criminals backed by the ruling party and its affiliated organisations occurred over the years, while the former gather information; and the government continues to file cases against journalists and detain them in jail. For example, the leaders-activists of the ruling party Awami League across the country filed five cases of sedition, 19 defamation cases, and six cases under the ICT Act, and three general diaries, against Acting Editor of the daily Amar Desh, Mahmudur Rahman in December 2017, for allegedly criticizing Tulip Siddiqui, the niece of the Prime Minister and a British Labour Party MP.[7]

Freedom of Peaceful Assembly and of Association:
The Foreign Donation (Voluntary Activities) Regulation Act 2016 is extremely repressive and contrary to international law. As a result of this Act, an environment has been created which will strictly regulating organisations, which work on civil and political rights and are vocal against corruption and the undemocratic actions of the government.

The incumbent government made permission from the police mandatory before holding any public meeting, rally or even for indoor meetings. Several meetings and assemblies of the opposition parties were attacked and stopped by law enforcement agencies and the ruling party leaders-activists during this period. Many of them were also charged under criminal cases for harassment.8 On 28 October 2017, the motorcade of BNP Chairperson Khaleda Zia were attacked by leaders and activist of the ruling party in Dhaka-Chittagong highway, while she was on way to Cox's Bazar to visit Rohingya refugee camps and distribute aid.[9] On 24 April 2017, a tribute to victims of the Rana Plaza building collapse, by the relatives of the victims and members of trade unions, was stopped due to police attacks.[10] On 7 April 2017, a remembrance meeting in memory of late leaders Infar Ali, Mojammel Haque and Mohammad Nasir of 'Sammobadi Dal'[11] at Charghat Central Shahid Minar in Rajshahi was stopped by the ruling party activists. They also filed a case against four leaders of the Jatiya Mukti Council[12] including its Secretary Dr. Faizul Hakim.[13]

Recommendations:

Odhikar call for the UN Human Rights Council to:

1. Urge the Government of Bangladesh to repeal all repressive laws, including the Special Powers Act, 1974, the Information and Communication Technology Act, 2006 (amended in 2009 and 2013), and the Foreign Donation (Voluntary Activities) Regulation Act, 2016;

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[6] 'Draft of Digital Security Act Approved: Gag on freedom of expression', The Daily Star, 30/01/2018, http://www.thedailystar.net/frontpage/draft-digital-security-act-approved-gag-freedom-expression-1527013

[7] Annual Human Rights Report of Odhikar, 2017, http://www.odhikar.org/wp-content/uploads/2018/01/Annual-HR-Report-2017_English.pdf

[8] The Annual Human Rights Report of Odhikar of 2017, please visit the link, http://www.odhikar.org/wp-content/uploads/2018/01/Annual-HR-Report-2017_English.pdf

[9] The daily Jugantor, 29/10/2017 and https://www.jugantor.com/first-page/2017/10/29/167192/

[10] For details, see Odhikar's human rights monitoring report of April 2017, http://www.odhikar.org/wp-content/uploads/2017/05/human-rights-monitoring-report-April-2017-English.pdf

[11] A left-wing political party.

[12] A left-leaning political alliance.

[13] For details, see Odhikar's human rights monitoring report of April 2017, http://www.odhikar.org/wp-content/uploads/2017/05/human-rights-monitoring-report-April-2017-English.pdf

2. Urge the Government of Bangladesh to not incorporating the provisions of section 57 of the Information and Communication Technology Act, 2006 (amended in 2009 and 2013) into the proposed Digital Security Act 2018 in any form.

3. Urge the Government of Bangladesh to refrain from political and judicial harassments against the journalists, human rights defenders and civil society activists.

4. Urge the Government of Bangladesh to send an invitation for a country visit to the Special Rapporteur on the Rights to Freedom of Opinion and Expression and the Rights to Freedom of Peaceful Assembly and of Association.

5. Support the restoration of democracy and the rule of law in Bangladesh by ensuring that a free and fair election is held under a neutral government and under the supervision of the United Nations.